

## REMARKS

In the Office Action, claims 16, 17 and 27 were objected to. Claims 1-16 and 18-30 were rejected under 35 U.S.C. §102(b) as being anticipated by Newton (U.S. Pat. No. 1,126,836). Claim 31 was rejected under 35 U.S.C. §103(a) as being unpatentable over Newton. Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Newton in view of Scranton (U.S. Pat. No. 284,336).

The claims have been amended to positively focus on a fastening apparatus, whereby the fastening apparatus can attach to a closure means (for example a door, cupboard or other similar means to close an opening).

The essential difference between the invention as claimed and the invention shown in Newton is that the claimed invention has a different rotational axis for the lever system.

When reading claim 1, line 10, the lever of the present invention is pivoted about an axis that is substantially **perpendicular** to the substantially planar back plane. In contrast, the pivot axis of Newton is **parallel** to the planar back plane.

With respect to the rejection in view of the Scranton patent, there is a difference in the configuration of the latch in the present claimed invention in that the latch that engages the catch does not lie in the plane of the planar back plane and this difference is not an obviousness variation of Scranton.

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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